

Application No.: 10/537,905

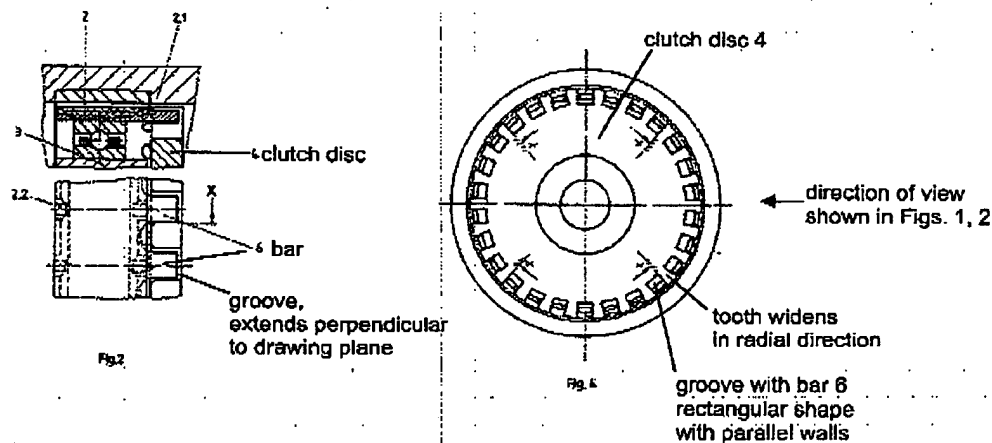
2002P16790WOUS  
Torsten WAHLERREMARKS/ARGUMENTS**Claim Status**

After entry of this Amendment, Claims 1 and 4 are pending in this application.  
By this Amendment, the claims are not amended.

**Claim Rejections – 35 U.S.C. § 103**

The Examiner rejects Claims 1 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Fischer (DE 40 38 555) in view of Stall (US 5,779,551). Applicant respectfully traverses.

Applicant appreciates that the Examiner at least contemplates Applicant's argument that Fischer discloses trapezoidal teeth, wherein the grooves between the teeth appear to be rectangular, and finds that Fischer is open for interpretation, even though the Examiner at the end maintains that Fischer discloses the same groove as claimed. Applicant respectfully disagrees that Fischer is open for interpretation and discloses the same groove as claimed. Applicant submits the following annotated Figs. 2 and 4 (Fischer) in support of Applicant's arguments.



Fischer's Fig. 4 clearly shows that each tooth of the clutch disc 4 widens in radial direction. Fig. 4 is therefore consistent with the description in paragraph 18 of the translation.

Fig. 4 shows further that each groove has a rectangular shape with parallel walls. Each groove is configured to receive a clutch bar 6, as shown in Fig. 2.

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The gearing of Claim 1 includes driving pins that are shaped on a lateral face of the toothed band and arranged to engage in radially extending grooves in the mating gear. In each groove, a difference between the outer edge and the inner edge on a circular arc is selected so that an outer distance between opposing outer edges of a groove is larger than an inner distance between opposing inner edges of a groove. That is, each groove widens in radial direction, as shown in Fig. 5 of the application.

In contrast, Fischer's teeth widen in radial direction, but not the grooves. In such a groove, the outer distance between opposing outer edges of the groove is the same as the inner distance between opposing inner edges of the groove. That is, the walls of the groove are parallel, as shown in Fig. 4.

Further, according to Claim 1, the driving pins engage with the grooves. As to Fischer, the Examiner views the clutch bars 6 as driving pins. These clutch bars 6 engage with the grooves of the clutch disc 4, as shown in Fischer's Fig. 2 and 4. Applicant, therefore, respectfully directs the Examiner's attention to the rectangular grooves and radially widening bars 6 (driving pins) shown in Fig. 4.

The Examiner argues that even if Applicant's interpretation of Fischer's description of "indentation" as the gear teeth profile were true, a trapezoidal or pointed tooth profile would still yield the same grooves as claimed. Applicant respectfully disagrees. As discussed above, the trapezoidal tooth profile shown in Fig. 4 yields rectangular shaped grooves.

Absent any particular description or illustration in Fischer, Applicant does not understand what Fischer means when referring to a "flat" or "pointed" tooth profile. Flat or pointed with respect to what, or in what direction? There is no disclosure of any resulting groove, or whether or not such a groove would in fact meet each and every limitation recited in Claim 1.

In view of the foregoing, Applicant respectfully submits that Fischer does not disclose grooves as claimed in Claim 1. Applicant respectfully requests the Examiner to reconsider the interpretation of Fischer in view of the foregoing arguments.

The Examiner cites Stall as a secondary reference to provide a more concrete visual example of a groove that teaches the claimed limitations. Regarding the shape of the groove, the Examiner refers to Stall's Fig. 4a, which shows a series of inner teeth 4 opposite a series of shaft teeth 2. Each series of teeth is a sinusoidal structure, wherein neighboring peaks are separated by a wave trough and capped to form the

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teeth. The sinusoidal structures are offset from each other so that a tooth extends into an opposite wave trough.

Stall's series of teeth do not have grooves meeting the limitations of Claim 1. Above all, if the wave troughs are viewed as grooves, each groove has only an outer edge but no inner edge. As shown in Fig. 4a, the bottom of the wave trough does not have an edge. As a consequence, Stall does not disclose a groove having an outer edge and an inner edge, and the requirement regarding the difference between these edges.

In sum, Applicant submits that Fischer alone, or in view of Stall fails to disclose or suggest the limitations of Claim 1. Claim 1 is, therefore, patentable over Fischer alone, or in view of Stall. Applicant respectfully requests the Examiner to reconsider and withdraw the instant rejection over Fischer and Stall and to pass Claim 1 to allowance.

#### ***Claim Rejections – 35 U.S.C. § 103***

The Examiner rejects Claim 4 under 35 U.S.C. § 103(a), as being unpatentable over Fischer in view of Stall and further in view of Hirn (U.S. 6,220,115). Applicant respectfully traverses.

Absent unacceptable hindsight that uses Applicant's claimed invention as a template for improperly modifying the prior art, Fischer or Stall provide no suggestion for modifying the teeth and grooves, as defined in Claim 1. Hirn does not provide the features missing in Fischer or Stall to anticipate or render obvious independent Claim 1. Claim 4 depends from Claim 1. For this reason and because of the additional inventive features recited in Claim 4, Applicant submits that Claim 4 is patentable over Fischer in view of Stall and further in view of Hirn, and respectfully requests the Examiner to reconsider and withdraw the instant rejection, and to pass Claim 4 to allowance.

#### ***Summary of Response***

Applicant has responded to the rejections in the March 26, 2008 final Office Action by presenting the foregoing arguments. Applicant respectfully submits that Claims 1 and 4 are in condition for allowance. Applicant respectfully requests the Examiner to withdraw all rejections and to pass this application to the issue process.

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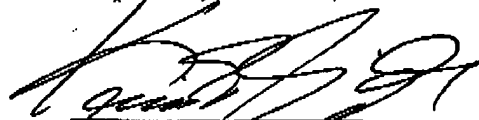
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Torsten WAHLER***Request for Telephone Interview***

The undersigned has made a good faith effort to respond to the rejections raised in the Office Action so as to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the undersigned attorney of record at the telephone number listed below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 502464 referencing attorney docket number 2002P16790WOUS.

Date: May 29, 2008

Respectfully submitted,



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